

**IN THE UNITED STATE DISCTRIC COURT
FOR THE EASTERN DISCTRIC OF PENNSYLVANIA**

CIVIL ACTION NO.: 2:17-CV-03521

RYSTA LEONA SUSMAN, both Individually and :
as Legal Guardian of SHANE ALLEN LOVELAND; :
JACOB SUMMERS :

Plaintiffs :

v. :

GOODYEAR TIRE & RUBBER COMPANY :
C/O CORPORATION SERVICE COMPANY :

and :

THE GOODYEAR TIRE & RUBBER COMPANY :

and :

THE GOODYEAR TIRE & RUBBER :
COMPANY d/b/a GOODYEAR TIRE AND :
RUBBER COMPANY :

and :

THE GOODYEAR TIRE & RUBBER :
COMPANY d/b/a GOODWEAR TIRE :
AND RUBBER COMPANY :

and :

GOODWEAR TIRE & RUBBER COMPANY :

and :

GOODWEAR TIRE & RUBBER COMPANY :
d/b/a THE GOODYEAR TIRE & RUBBER :
COMPANY :

and :

GOODWEAR TIRE & RUBBER COMPANY :
d/b/a GOODYEAR TIRE & RUBBER :
COMPANY :

and	:
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GOODYEAR TIRE & RUBBER COMPANY	:
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and	:
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GOODYEAR TIRE & RUBBER COMPANY	:
d/b/a THE GOODYEAR TIRE & RUBBER	:
COMPANY	:
	:
and	:
	:
GOODYEAR TIRE & RUBBER COMPANY	:
d/b/a GOODWEAR TIRE & RUBBER	:
COMPANY	:
	:
Defendants	:

**PLAINTIFFS' RESPONSE IN PARTIAL OPPOSITION TO THE GOODYEAR'S
MOTION TO STRIKE PLAINTIFFS' REPLY IN SUPPORT OF THEIR REMAND MOTION**

Comes now Plaintiffs', and file this Response to The Goodyear Tire & Rubber Company's Motion to Strike Plaintiffs' Reply in Support of their Remand Motion, or Alternatively, for Leave to Raise Brief Sur-Reply Arguments.

I.

In a regrettable mistake, Plaintiffs' counsel calendared a period of fourteen days to file their Reply in support of their Motion to Remand. However, with an October 19, 2017 hearing date, Plaintiffs' error presents no possible prejudice. Nonetheless, Goodyear seeks to strike the brief simply for the tactical advantage of preventing a party from being heard by this Honorable Court. Thus, in the absence of any actual prejudice, Plaintiffs respectfully submit that there is no meritorious reason for this Honorable Court to grant Goodyear's boilerplate motion to strike.

II.

By the same token, Plaintiffs have no opposition, whatsoever, to Goodyear's request to file its Sur-Reply brief on the docket. Goodyear would not normally be entitled to a Sur-Reply brief, and it shows no special cause here, but the issue is moot because the brief does not present any new information that is not already before this Honorable Court in the parties' prior briefing. Rather, Goodyear's most recent brief consists of the same argument, albeit structured with a more frantic tone. Moreover, Goodyear's most recent missive is constructively identical to an unsolicited letter it sent to this Honorable Court a week prior, on September 20, 2017 (*See* Doc. 14). In fact, it seems the only reason Goodyear filed this Motion was to belatedly comply with the requirement that all requests for relief must be filed as motions in compliance with Local Rule 7.1, adding a more than a touch of irony to Goodyear's request.

III.

Ultimately, Goodyear's Motion is unnecessary and inconsequential. The record before the Court is adequate to determine that there are discrete uncertainties of fact regarding Goodyear's corporate structure in the Commonwealth which can only be resolved through discovery in front of a court with undeniable jurisdiction. Accordingly, Plaintiffs respectfully request that this Honorable Court deny Goodyear's Motion to Strike and permit, by agreement, the filing of Goodyear's Sur-Reply Brief.

Respectfully submitted by:

/s/ Daniel J. Sherry

Eisenberg, Rothweiler, Winkler,
Eisenberg & Jeck, P.C.
1634 Spruce Street
Philadelphia, PA 19103
Attorney for Plaintiffs

Dated: October 2, 2017

CERTIFICATE OF SERVICE

I certify that on October 2, 2017, I have served a true and correct copy of the foregoing Plaintiffs' Response to The Goodyear Tire & Rubber Company's Motion to Strike Plaintiffs' Reply in Support of their Remand Motion upon the following counsel for Defendants:

Jayne A. Risk
DLA Piper LLP (US)
1650 Market Street, Suite 4900
Philadelphia, PA 19103

Eisenberg, Rothweiler, Winkler,
Eisenberg & Jeck, P.C.

BY: /s/ Daniel J. Sherry, Jr.
Daniel J. Sherry, Jr., Esquire
Attorney for Plaintiff